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appeals & fair hearings



For Public Assistance Clients



UNIVERSITY OF ILLINOIS-URBANA



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Appeals and Fair Hearings

For Public Assistance Clients

Your Right to Appeal and Receive a Fair Hearing

This brochure explains the Illinois Department of Human Services' appeal and hearing process for clients receiving public assistance. The rules governing the hearing are found at 89 Ill. Adm. Code Part 14 and are available on the internet at www.state.il.us/agency/dhs. If you have any questions about what you read or want more information, go to your local DHS office. A DHS representative will help you with your questions.

How will I know if my application is approved or denied?

DHS will mail you a written notice of the decision on your application. If your application is approved, the notice will tell you about your benefits. If it is denied, the notice will tell you why. For cash and/or medical assistance, the notice will be sent within 45 days. If your application was based on disability, the notice will be sent within 60 days. For food stamp benefits, the notice will be sent within 30 days. You can appeal the decision if you think it is wrong.

How will I know if my benefits have been stopped or cut back?

DHS will mail you a written notice at least 10 days before your benefits are cut back or stopped.

If you get a notice that you don't understand, talk to your caseworker. He or she will explain why DHS is making the change. If you think DHS is wrong, you can appeal the change.

What decisions made by DHS can I appeal?

If you receive or have applied to receive benefits from DHS, you can appeal any decision DHS makes about your case that you think is wrong. You can appeal if:

- Your application is turned down.
- The amount of your benefits is cut back or stopped.
- You think a decision DHS made is wrong.
- You think DHS' failure to make a decision or delay in making a decision is wrong.
- DHS takes any action that directly affects you.

However, you must appeal within a certain time of the Date of Notice. The Date of Notice is printed on the top of any notice you receive in the mail from DHS. If you are appealing a decision about cash assistance or Medicaid, you must appeal within 60 days. If you are appealing a decision about food stamp benefits, you must appeal within 90 days. If you are appealing a delay or failure to make a decision, there is no time limit.

How do I ask for an appeal?

If you want to appeal, you can write a letter requesting a hearing or fill out a Notice of Appeal form. You can get a Notice of Appeal form at your local DHS office. If you need help filling it out, your caseworker will help you. Mail or take your letter or appeal form to your local DHS office or mail it to the address below:

Illinois Department of Human Services
Bureau of Assistance Hearings
401 S. Clinton, 6th Floor
Chicago, Illinois 60607

You can also appeal by calling toll free 1-800-435-0774 (voice) or 1 877-734-7429 (TTY), Monday through Friday, between 8:30 a.m. and 4:45 p.m.

If your appeal is only about food stamp benefits, you can also appeal by just telling your caseworker that you want to appeal.

If I appeal a decision that cut back or stopped my benefits, will I continue to receive them?

You will continue to receive your benefits if you request a hearing on or before the date your benefits are to be cut back or stopped. The notice telling you about DHS' decision will give you the date by which you must appeal to have your benefits continued. If you appeal in time, your benefits will continue until the appeal is decided, unless you tell DHS that you do not want to continue your benefits.

However, if DHS decides at your hearing that the decision to cut back or stop your cash and/or food stamp benefits was correct, you will owe DHS the difference between what you received during the appeal and what you should have gotten.

What will happen after I appeal?

After you appeal, someone from your local DHS office will review the reasons that caused you to appeal and ask you to attend an informal meeting to talk about your appeal. At the meeting, DHS will explain why your benefits changed and answer all questions.

You and your representative, if you have designated one in writing, will be sent a notice telling you when this meeting will take place. You do not have to come to the meeting. But you should try to come if at all possible.

This meeting is not a hearing. No hearing officer will be present, and it will not be tape recorded. No matter what is said at this meeting, unless you sign a Request to Withdraw Appeal, you still have the right to a hearing before a hearing officer.

If you now agree with DHS

At the informal meeting, DHS may make a change in your case that you agree with or you may decide that DHS was right. If so, DHS will ask you to sign a Request to Withdraw Appeal. Only you or your representative can sign this form. If you sign it, your appeal is over.

If you still do not agree with DHS

If you still do not agree with DHS and you want to continue with your appeal, you must appear for your hearing. You will get a notice in the mail stating the date and time for your hearing. You will also receive a Statement of Facts which lists the reasons why DHS made its decision.

Where will my hearing be held?

Usually, the hearing is held in the local DHS office that handles your case. If you have a disability and are physically unable to come to your local office or need another accommodation so that you may participate in the hearing, immediately contact the Bureau of Assistance Hearings, 401 S. Clinton, Chicago IL 60607, so that an accommodation can be arranged. BAH may arrange for you to participate in the hearing by telephone or for a hearing in your home.

Also, if you do not live in Illinois, you may present your position with written information submitted in advance of the hearing, or have someone present your position for you, or request to participate in the hearing by telephone.

What should I bring to the hearing?

You should bring all records or receipts or papers that might help you prove DHS is wrong, such as written proof of living expenses, income, medical bills, tax receipts and savings or bank account books. You or your representative will have the opportunity before and during the hearing to look at all records and papers that DHS plans to use as evidence in the hearing.

If you want copies of the evidence about your cash or medical assistance, there is a charge of 10 cents per copy. Copies of the evidence about your food stamps are free. These copies are for your own use; you do not need them for the hearing. You may also bring witnesses to testify for you.

How much will the hearing cost?

Your hearing will not cost you any money. DHS may pay you back for the child care costs you had to pay to be able to come to your hearing if you ask to be paid back within 30 days after the hearing.

Who will be at my hearing?

Hearings are not open to the public. To keep the information confidential, the only people who will be at the hearing are you, the people you need to help present your case, a member of the local office staff directly responsible for the action for appeal, the necessary witnesses for the local office and a hearing officer.

What happens during the hearing?

The hearing officer is impartial and will be in charge of your hearing. Witnesses at the hearing are asked questions under oath. You and the department will each have a chance to explain why you think you are right. The hearing is tape recorded.

What happens after my hearing?

After the hearing, the Secretary of the Department of Human Services issues a final decision that either changes or does not change the decision you appealed. The Director of DPA may join in the decision as to any medicaid issues.

You will receive a copy of the final decision, as well as a letter notifying you of your right to have a judge review the decision. In food stamp cases, the final decision must be made within 60 days* after your request for a hearing is received by DHS.

When the decision results in your getting food stamps, the food stamp benefits must be issued within 10 days after your local office receives the decision. In cash and medical assistance appeals, the decision must be made within 90 days.*

(*If you are unable to attend a hearing or ask for and are granted a postponement or continuance, the time limit will be extended by the number of days delay caused by your postponement.)

What if I need to postpone or reschedule my hearing?

You may ask that your hearing be postponed for a short period of time if it is difficult or impossible for you to come to the hearing. If you need to postpone your hearing, you should follow the instructions on the notice you receive that states when your hearing will be held.

When your benefits have continued unchanged as a result of your request for a hearing and you do not come to your hearing and do not request a postponement, DHS will make the proposed change in your benefits.

If you do not come to your hearing and do not ask for a postponement, DHS will consider the appeal ended. DHS will send you a written notice of this decision, but may reschedule the appeal if, within 10 days of the notice, you provide us with a good reason, in writing, why you couldn't come.

Can I see a copy of the official report?

The official report of the hearing consists of the documents filed in the case, along with the facts and the decision. At any time within three years after the hearing decision, you or your representative may arrange to review the official report in your local office.

For more information:

Call or visit your local Human Services office.

If you have questions about any Department of Human Services (DHS) program, call or visit your local DHS office. We will answer your questions. If you do not know where your local DHS office is or are unable to go there, call:

1-800-252-8635

1-800-447-6404 (TTY)

Illinois Department of Human Services
Bureau of Customer Inquiry
and Assistance

Monday through Friday
(except state holidays)

Quick Answer System hours: 7:30 a.m. - 7 p.m.

Representatives available: 8 a.m. - 5:30 p.m.

For answers to your questions,
you may also write:

Illinois Department of Human Services
Bureau of Provider Assistance
and Correspondence
100 South Grand Avenue, East
Springfield, IL 62762

Visit our web site at:

www.state.il.us/agency/dhs



Programs, activities and employment opportunities in the Illinois Department of Human Services are open and accessible to any individual or group without regard to age, sex, race, disability, sexual orientation, ethnic origin or religion. The department is an equal opportunity employer and practices affirmative action and reasonable accommodation programs.

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*Recycle previous editions

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